

REMARKS

Claims 1-30 are pending in this application. By this Amendment, claims 1, 15-19, 22, 27, 29 and 30 are amended.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Lastra during the January 12, 2007 and January 17, 2007 telephone interviews. Applicants' separate record of the substance of the interviews is incorporated into the following remarks.

The Office Action rejects claims 1-14, 19-21 and 23-30 under 35 U.S.C. §102(e) over U.S. Patent No. 6,594,640 to Postrel and rejects claims 15-18 and 22 under 35 U.S.C. §103(a) over Postrel in view of U.S. Patent No. 5,578,808 to Taylor. Applicants respectfully traverse the rejections.

By this Amendment, independent claims 1, 19, 27 and 29-30 are amended to include the feature of first and second memories storing award points issued from at least one virtual store and at least one actual store, respectively.

Postrel discloses a system for operating an awards point accumulation and redemption program including a merchant computer 30, a user computer 40, a trading server 20, and merchant-specific reward servers 10-14 (Fig. 4). The reward servers 10-14 hold user data including earned value (points) negotiable for other goods, services, or points of other systems (col. 5, lines 37-43). Reward points are stored in a user's reward point account 52 associated with each of the rewards servers 10-14 (col. 6, lines 17-18). Points are accumulated through reward entities who offer points in exchange for user actions (col. 5, lines 37-39) such as the purchase of airline tickets (Fig. 1). When points are redeemed, the appropriate reward server 10-14 decreases the reward points in the user's reward point account 52 and transfers the points to the trading server computer 20 (col. 6, lines 24-37), which places the points in the user's reward exchange account 54 (col. 6, lines 47-50). Points

can be redeemed by the user to make purchases from a merchant over the internet (col. 7, lines 1-6).

Taylor discloses a multi-application data card 10 that stores an application record (Fig. 4). The application record, a file, has entries for multiple vendors (Fig. 4).

The Office Action asserts that it would have been obvious for one of ordinary skill in the art to add Taylor's smart card to the system of Postrel in order to link awarded points with the issuing vendor (Office Action, page 9).

However, Taylor discloses only a single memory (Fig. 1). Thus, Taylor fails to disclose (1) a first memory that stores data of the points issued to the customer in at least one virtual store on a network and (2) a second memory that stores data of the points issued to the customer in at least one actual store. During the January 17, 2007 telephone interview, Examiner Lastra indicated that Taylor discloses multiple "memory banks." However, because multiple memory banks or memory areas can exist in a single memory, the disclosure of multiple memory banks does not necessarily disclose multiple memories.

Further, the Office Action asserts that one of ordinary skill in the art would have combined the disclosure of Taylor with that of Postrel "in order to link awarded points with the issuing vendor of said awarded points." Applicants note that one of ordinary skill in the art would have known how to keep awarded points linked to the issuing vendor by use of appropriate storage paradigms (for example, database software) without needing a second memory. Neither Postrel nor Taylor indicate that the system of Postrel has a problem relating to the storage of points relative to their issuing vendors. Still further, Postrel already discloses reward server 10-14 which store award points, thus there would be no reason to add the memory of Taylor to that of Postrel under the asserted motivation.

For the foregoing reasons, the Office Action fails to establish any tenable motivation why one of ordinary skill in the art would have modified the disclosure of Postrel in view of Taylor.

However, even if the system of Postrel is modified to include the smart card of Taylor as alleged, the alleged combination fails to disclose (1) a first memory that stores data of the points issued to the customer in at least one virtual store on a network and (2) a second memory that stores data of the points issued to the customer in at least one actual store because neither Postrel nor Taylor disclose memories dedicated to storing information relating to either "brick and mortar" or virtual stores. Thus, it appears that the Office Action is using Applicants' disclosure as a roadmap to pick and choose features from the prior art, which is impermissible hindsight.

Additionally, by this Amendment, claims 15-18 and 22 are amended to recite a point-of-sale terminal; a terminal being a credit authorization terminal; a credit company as part of the awards point service system; an information processing center being part of the award point system; and a credit company being part of the award point service system, respectively. Because these additional features are not disclosed in the applied references, these claims are further patentable over the applied references.

For the foregoing reasons, Applicants respectfully request withdrawal of the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:JHB/gck

Attachment:
Petition for Extension of Time

Date: February 16, 2007

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